

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 56-63 remain pending.

PERSONAL INTERVIEW

Applicants appreciate the opportunity granted their representative to conduct a personal interview with Mr. Tran (SPE) and Mr. Gelek Topgyal on September 13, 2007. As indicated in the Interview Summary, the teachings of Fukushima (U.S. Patent 5,596,564) were discussed. An agreement was reached that Fukushima fails to teach certain features of the claimed invention.

Applicants respectfully submit that the prior art rejection (35 U.S.C. § 102) and the double patenting rejections should be withdrawn.

REJECTION UNDER 35 U.S.C. §102

Claim 56-63 stand rejected under 35 U.S.C. §102 as allegedly being anticipated by Fukushima et al. (U.S. Pat. No. 5,596,564). This rejection is respectfully traversed.

Fukushima discloses a technique for storing audio visual (AV) data on a storage medium. The AV file 210 includes chapter data 240 representing audio/video content and picture pointer data 230. See e.g., Fig. 2. The video data is divided into a plurality of GOP data units 260, including independent picture (I) data 261 and dependent picture data 262. The chapter data 240 further includes audio data 263. In an embodiment illustrated in Fig. 3A, the audio data 263 is interleaved with I-picture data 261. In an alternative embodiment illustrated in Fig. 3B, the audio data 263 is not interleaved with picture data.

As illustrated in Fig. 2, the pointer data 230 is positioned before chapter data 240 (which comprises plurality of GOPs) and stores address information of the top and the last address where independent picture data 261 and audio data 263 is interleaved for the embodiment of Fig. 3A, in which I-picture data is interleaved with audio data 263. The pointer data 230 stores the address of a leading sector of an area storing the I-picture data in the embodiment of Fig. 3B in which the audio data 263 is not interleaved with the I-picture data 261. See e.g. col. 11, line 62-col. 12, line 16.

Thus, the “pointer data” of Fukushima does not provide control information, which precedes I-picture data of a corresponding video data unit, containing control information that includes: address information of P-picture data in a video data unit as required by claim 56; address information of I-picture data and P-picture data in a video data unit as required by claim 59; or picture arrangement information of I-picture, P-picture data, and B-picture data in a video data unit as required by claim 61.

According to MPEP § 2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants respectfully submit that Fukushima fails to anticipate claim 56, claim 59 or claim 61. The remaining claims are believed to define of Fukushima based on similar reasoning.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiners rejection under 35 U.S.C. §102.

DOUBLE PATENTING REJECTIONS

1. U.S. Patent No. 6,009,236/U.S. Patent No. 6,134,382/Co-Pending Application No. 10/083,267 in View of Fukushima.

Claims 56-63 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Pat. No. 6,009,236 (“the ‘236 patent”) in view of Fukushima; further stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S Pat. No. 6,134,382 (“the ‘382 patent”) in view of Fukushima; and further stand provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application no. 10/083,267 (“the ‘267 application”) in view of Fukushima. These rejections are respectfully traversed.

In rejecting claims 56-63 based on the allegedly obvious combination of '236 patent claims and Fukushima, the Examiner relies on Fukushima as allegedly teaching the feature of a control data packet that includes control information including address information of I-picture data and P-picture data in a video data unit. See Office Action, page 4. For reasons discussed above with respect to the rejection under 35 U.S.C. §102, however, Applicants submit that Fukushima fails to teach the control information as claimed. At least for this reason, the asserted combination of claims of the '236 patent and Fukushima fails to establish obviousness of any pending claim.

Similarly, the Examiners rejection of claims 56-63 based on an allegedly obvious combination of '382 patent claims and Fukushima relies on Fukushima as allegedly teaching the control information as claimed. See Office Action, page 7. As Fukushima fails to teach this claim feature, Applicants respectfully submit that the asserted combination of claims of the '382 patent and Fukushima fails to establish obviousness of any pending claim.

With respect to the rejection of claims 56-63 based on an allegedly obvious combination of the '267 application claims and Fukushima, the Examiner again relies on Fukushima as allegedly teaching control information including address information of I-picture data and P-picture data in the video unit. See Office Action, page 12. As Fukushima fails to teach the control information as claimed, Applicants respectfully submit that the asserted combination of '267 application claims and Fukushima fails to establish obviousness of any pending claim.

2. U.S. Pat. No. 6,549,717 in view of Fukushima.

Claims 56-63 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Pat. No. 6,549,717 in view of Fukushima. This rejection is respectfully traversed.

In rejecting claims 56-63 based on the allegedly obvious continuation of the '717 patent and Fukushima, the Examiner relies on Fukushima as allegedly teaching the feature of a control data packet that includes control information including address information of I-picture data and P-picture data in a video data unit. See Office Action, pages 9-10. For reasons discussed above with respect to the rejection under 35 U.S.C. § 102, however, Applicants submit that Fukushima

fails to teach the control information as claimed. At least for this reason, the asserted combination of the '717 patent and Fukushima fail to establish obviousness of any pending claim.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the provisional and non-provisional rejections based on the doctrine of obviousness-double patenting.

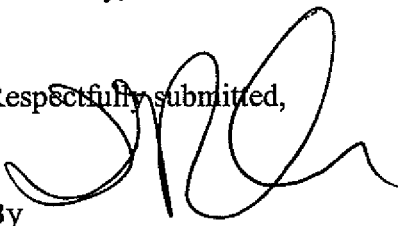
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson, Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,



By _____

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